UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,310	12/01/2003	Winston Hsiao	386998040US	3075

25096 7590 06/07/2006

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER	
GRANT, ROBERT J	

ART UNIT	PAPER NUMBER
2838	

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/726,310	HSIAO ET AL.	
	Examiner	Art Unit	
	Robert Grant	2838	

-- The MAILING DATE of this communication appears on th cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 March 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4, 6-14, and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khullar (US 6,748,246) in view of Severt et al. (US 5,511,108).

As to Claim 1, Khullar discloses a testing apparatus, comprising: a testing device for inspecting an object (Figure 3, element 316); an accumulator for supplying power to said testing device (Element 314); a first terminal for providing signals transferring route between said testing device and the object, and also providing a charging route for said accumulator (Not shown, but the positive terminal of battery 314); Khullar does not expressly disclose wherein a switch is used to determine the status of said testing device. Severt discloses using a switch to determine status of said testing device, wherein said status includes testing mode or charging mode (Figure 10, switching "on" turns on the testing mode). It would have been obvious to one having ordinary skill in the art at the time of this invention to combine the teachings of Severt and be capable of turning on the testing device in order to conserve battery life when the device does not need to be active.

As to Claim 2, which is dependent upon claim 1, Khullar discloses further comprising a second terminal (Not shown, but connected to the negative terminal of battery 314).

As to Claim 3, which is dependent upon claim 2, Khullar further discloses wherein said second terminal electrically connects to ground (Negative terminal of the battery, lowest potential of a battery is considered to be ground).

As to Claim 4, which is dependent upon claim 2, Severt further discloses wherein said testing device is a multimeter (Figure 1).

As to Claim 6, which is dependent upon claim 2, Severt further discloses wherein said testing device is a process calibrator (Figure 1).

As to Claim 7, which is dependent upon claim 2, Severt further discloses wherein said testing device is a process meter (Figure 1).

As to Claim 8, which is dependent upon claim 1, Severt further discloses wherein said testing device is a temperature sensor (Figure 11a).

As to Claim 9, which is dependent upon claim 1, Severt further discloses wherein said testing device is a gaseous detector (Column 23, lines 61-64).

As to Claim 10, which is dependent upon claim 1, Severt further discloses wherein said testing device is a fluid sensor (Column 23, lines 61-64).

As to Claim 11, which is dependent upon claim 1, Severt further discloses wherein said accumulator is selected from the group consisting of lithium battery, hydrogen-nickel battery, and cadmium-nickel battery (Column 6, lines 56-60).

As to Claim 12, which is dependent upon claim 1, Severt further discloses comprising a display device to show the status of said testing apparatus (Figure 3, element 58).

As to Claim 13, Khullar discloses an electricity meter, comprising: a meter for inspecting electric characteristic of an object (Figure 3, element 316); an accumulator for providing power to said meter (Figure 3, element 314); two terminals for providing electric signals transferring route of said meter and charging route of said accumulator (Between element 316 and 314, there needs to be terminals on both the positive and negative ends of the battery). Khullar does not expressly disclose a switch to determine the status of the meter or a display device. Severt discloses using a switch to determine status of said testing device, wherein said status includes testing mode or charging mode (Figure 10, switching "on" turns on the testing mode), and a Display device for displaying the status of the meter (Figure 3, element 58). It would have been obvious to one having ordinary skill in the art at the time of this invention to combine the teachings of Severt and be capable of turning on the testing device in order to

conserve battery life when the device does not need to be active, and include a display device so that the user can visually see the tested values.

As to Claim 14, which is dependent upon claim 13, Severt further discloses wherein said meter is a multifunction meter (figure 1).

As to Claim 16, Khullar discloses an apparatus charged via signal terminals, said apparatus comprising: an electronic device (Figure 3, element 316); an accumulator for providing electric power to said electric device (element 314); a terminal providing signals transferring route of said electronic device and a charging route for said accumulator (Connection between 314 and 316). Khullar does not expressly disclose wherein a switch is used to determine the status of said electronic device. Severt discloses using a switch to determine status of said electronic device, wherein said status includes testing mode or charging mode (Figure 10, switching "on" turns on the testing mode). It would have been obvious to one having ordinary skill in the art at the time of this invention to combine the teachings of Severt and be capable of turning on the testing device in order to conserve battery life when the device does not need to be active.

As to Claim 17, which is dependent upon claim 16, Severt further discloses wherein said electronic device is a mobile communicating device (figure 20, element 514).

As to Claim 18, which is dependent upon claim 16, Severt further discloses wherein said electronic device a personal digital assistant (Figure 1).

As to Claim 19, which is dependent upon claim 16, Severt further discloses wherein said accumulator is selected from the group consisting of lithium battery, nickel-metal-hydride battery, and nickel-cadmium battery (Column 6, lines 56-60).

As to Claim 20, which is dependent upon claim 16, Khullar further discloses wherein said switch detects said electronic device in processing mode or in charging mode automatically (Column 6, lines 11-20).

As to Claim 21, which is dependent upon claim 20, Severt further discloses comprising a display device for displaying the status of said electronic device (Figure 3, element 58).

3. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khullar in view of Severt et al. in further view of Struck et al. (US 6,407,539).

As to Claim 5, which is dependent upon claim 2, neither Khullar nor Severt expressly disclose using an oscilloscope to measure. Struck teaches that an oscilloscope can be used to measure a voltage output. It would have been obvious to a person having ordinary skill in the art at the time of this invention to use an oscilloscope as the

measuring tool, in order to be capable of seeing the waveform of the voltage being measured.

As to Claim 15, which is dependent upon claim 13, neither Khullar nor Severt expressly disclose using an oscilloscope to measure. Struck teaches that an oscilloscope can be used to measure a voltage output. It would have been obvious to a person having ordinary skill in the art at the time of this invention to use an oscilloscope as the measuring tool, in order to be capable of seeing the waveform of the voltage being measured.

Response to Arguments

4. Applicant's arguments filed 3-16-06 have been fully considered but they are not persuasive.

As to the Arguments surrounding claim 1, the applicant states on page 6, 'First, the element 316, which is denoted as battery monitor/charger, can only be used for monitoring the power of the battery 314 and cannot be any other testing device.' The claim only states a testing device, and a battery monitor is considered a testing device.

As for the argument that the battery is not the accumulator of the present invention, a battery is an accumulator.

As for the arguments that "... the positive terminal of the cited reference fails to teach the feature of the first terminal that may provide a signal transferring route and

charging route.' There needs to be a connection made to the positive terminal of the battery in order to charge and to test the battery, and the reference has both a monitor (testing) and a charger connected to the battery.

As for the argument regarding the Severt's switch, the claims reads 'testing mode or charging mode", therefore the switch needs to only affect one of the modes.

As for the arguments surrounding claim 13, the applicant states on page 7, '... the meter in claim 13 is used for inspecting electrical characteristic of something else, but not the accumulator.' The claimed language does not preclude the inspected object from being the accumulator. In order to clarify the examiners stance, the meter inspects an electrical characteristic of an object, which in this case is battery 314, the battery 314 provides power to the meter, in this case monitor 316. The battery will inherently provide some power to the monitor in order for the monitor to be capable of gaining an electrical characteristic. The examiner acknowledges that the battery does not power the monitor, but the claim as written does not require the accumulator to power the meter.

As for the argument concerning Khullar not disclosing any terminals between elements 314 and 316, there needs to be a connection made to the positive terminal of the battery in order to charge and to test the battery, and the reference has both a monitor (testing) and a charger connected to the battery. All electrical devices have terminals or connection points.

As for the argument regarding the Severt's switch, the claims reads 'testing mode or charging mode", therefore the switch needs to only affect one of the modes.

As for the arguments regarding claim 16, Khullar does in fact disclose that the electrical signals transferring and charging are preformed via the same route. There needs to be a connection made to the positive terminal of the battery in order to charge and to test the battery, and the reference has both a monitor (testing) and a charger connected to the battery.

As for the argument regarding the Severt's switch, the claims reads 'testing mode or charging mode", therefore the switch needs to only affect one of the modes.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Grant whose telephone number is 571-272-2727. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on 571-272-2084. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RG

KARL EASTHOM
SUPERVISORY PATENT EXAMINER